

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

IN RE:)
CAMP LEJEUNE WATER LITIGATION) Case No: 7:23-cv-897
)
)
)
This Document Relates To:) **UNITED STATES' CROSS-MOTION**
ALL CASES) **FOR PROTECTIVE ORDER**
)
)

Pursuant to Federal Rules of Civil Procedure 26(b)(2)(C), 26(c) and Local Rule 26(d), the United States hereby moves the Court for a Protective Order to bar (1) the discovery of overly broad and irrelevant documents, and (2) the discovery of Electronically Stored Information (“ESI”) sources until the Parties have negotiated an ESI protocol under the ESI Order. Pursuant to Federal Rule of Civil Procedure 26(c), the United States has met and conferred with Plaintiffs in an attempt to resolve this dispute without Court action. Plaintiffs are seeking documents that are wholly irrelevant to the narrow causation issues in this litigation. The burden on the United States to produce responsive documents with marginal, if any relevance, far outweighs any evidentiary benefit Plaintiffs may receive. *See, e.g., United States v. Duke Energy Corp.*, 214 F.R.D. 392, at 393 (M.D.N.C. 2003) (granting a protective order because “the likely relevance and benefit of any of the discovery requested is far outweighed by the burden. As [the United States] points out, the expense of requiring a cabinet agency to search all its files for particular documents is enormous.”).

Plaintiffs should be required to remove all Requests for Production that (1) are not narrowly tailored to focus on causation issues only, and (2) properly separate ESI discovery requests from non-ESI discovery requests. Additionally, the United States should also be

protected from producing ESI until the required conferences have taken place pursuant to the ESI Order (D.E. 52).

In support of this Cross-Motion for Protective Order, the United States submits and relies upon its accompanying Opposition to Plaintiffs' Motion to Compel and the exhibits attached thereto.

Dated: December 21, 2023

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2023, a copy of the foregoing document was served on all counsel of record by operation of the court's electronic filing system and can be accessed through that system.

/s/ Joseph B. Turner
JOSEPH B. TURNER